

U.S.S.N. 10/817,084

-2-

HN 1010 PUS

IN THE DRAWINGS:

Please substitute the two (2) sheets of drawings submitted herewith in place of the originally-filed drawing sheets containing the same Figures.

U.S.S.N. 10/817,084

-10-

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HN 1010 PUS

REMARKS

Claims 1-29 are pending in the application, however, claims 6-9 and 24-29 have been withdrawn from further consideration in response to a Restriction Requirement. Of the remaining claims, claims 1-5, 10-12 and 21-23 stand rejected. Claims 1, 10, and 21 stand rejected under 35 U.S.C. §102(e) as being anticipated by Brockes, U.S. Publication No. 2004/0177666. Further, claims 1-5, 10-12 and 21-23 stand rejected under 35 U.S.C. §103 as being unpatentable over Vydrin, U.S. Patent No. 3,823,593 in view of Cook, U.S. Patent No. 2,647,743. Finally, claims 13-20 are objected to as being dependent upon a rejected base claim, but otherwise contain allowable subject matter.

Information Disclosure Statement

Applicant submits herewith an Information Disclosure Statement containing copies of Patent DE 3024682 and WO 03/008122A1 which the Office Action indicates were not received in Applicant's initial filing of this application. Applicant traverses this suggestion and states that Applicant originally filed both of these references (along with a third reference) with the initial patent application as stated on the postcard and received by the Patent Office on April 2, 2004. Applicant has attached a copy of the postcard for the Examiner's convenience and states that no fee should be due for the submission of this IDS. Applicant also wishes to inform the Examiner that the European Patent Office has no English Language translation available for the Abstract of DE 3024682. The English Language translation of the Abstract for WO 03/008122A1 is noted at paragraph (57) on the front page of the application.

Drawings

With regard to the drawing objections set forth on page 2 of the Office Action, Applicant submits herewith two (2) sheets of replacement drawings containing Figures 1 and 2 to replace the originally-filed drawing sheets containing the same Figures. In the replacement sheets, a reference line is provided for reference numeral 24 in each of the drawings. Applicant originally filed drawing sheets indicating a reference line for numeral 24. Nevertheless, Applicant submits the replacement drawing sheets for the Examiner's convenience and to correct this error in the application file.

U.S.S.N. 10/817,084

-11-

HN 1010 PUS

Claim Rejections

Claims 1, 10 and 21 which stand rejected under 35 U.S.C. §102, have been cancelled.

Claims 2 and 11 have been rewritten to incorporate the subject matter of claims 1 and 10, respectively. Applicant traverses the rejection of claims 2 and 11 under 35 U.S.C. §103 in view of Vydrin and Cook. In the system of Vydrin, pairs of rolls 16, 17 are associated with driven rolls 9, 10 only for purposes of tensioning the metal strip which is being rolled down by the working rolls 9, 10. See, Col. 5, line 66 through Col. 6, line 10. As shown in Figures 3, 4, and 5 of Vydrin, and the accompanying description in the specification, the pairs of rolls 16, 17 are fixed with respect to each other and the tensioning of the metal strip is provided by the working rolls rolling the sheet metal. There is no suggestion whatsoever in the Vydrin reference that the movement of the rolls can be controlled to distort the "S" such that the length of the metal strip is varied, or that the upright "S" have arches lying at different heights which at least partially overlap in a vertical projection.

Applicant further traverses the suggestion in the Office Action that the Vydrin reference would be modified in view of Cook. The Cook reference is completely unrelated to a process or system for hot or cold rolling sheet metal. The Cook reference discloses a device for bending wire to form a helical spring. There is no rolling or milling of the spring material. Instead, pairs of rollers 10, 12 bend the spring material and a pair of rollers 22, 24 feed the spring material through the device. "The bracket 14 permits roller 10 to be moved in relation to roller 12 so as to vary the amount of set introduced into strip 6. It will be apparent, of course, that the set may also be varied by various other means such as, for example, by changing the size of roller 12." Col. 4, lines 18-23. Thus, to the extent the position of the feed rolls are varied in Cook, it is for a different purpose than in the present application. Regardless, as an initial matter, the Cook reference does not teach or suggest features applicable to a hot or cold rolling process for sheet metal.

U.S.S.N. 10/817,084

-12-

HN 1010 PUS

The rejections under 35 U.S.C. §103 should also be withdrawn, as no *prima facie* case of obviousness has been established. Indeed, the Office Action's reliance upon the capabilities of one of skill in the art demonstrates the improper use of hindsight to support the obviousness rejection. The fact that one of skill in the art may have the capability to modify Vydrin to arrive at the invention is not the test for whether one of skill in the art would have arrived at the invention based upon the teachings of Vydrin or Cook. *Ex Parte Levingood*, 28 USPQ2d 1300, 1301-02 (BPAI 1993) ("That which is within the capabilities of one skilled in the art is not synonymous with obviousness.") The focus must remain on what the prior art suggested to one of skill in the art at the time of the invention. In this case, there is no suggestion in Cook that any benefit would result by varying the vertical orientation of the fixed groups of rolls 16, 17 in the sheet metal rolling system of Vydrin. No reason has been shown why one of ordinary skill in the art would modify the Vydrin reference as the Office Action proposes. Indeed, as Vydrin is solely concerned with the ratio between the peripheral speeds of the various rolls, modifying either of the tensioning roll sets 16, 17 to have a varying orientation would only add complexity to the device of Vydrin without any further suggested benefit. Thus, for at least these reasons, the rejections under 35 U.S.C. §103 should be withdrawn.

Claims 13-20 were noted as containing allowable subject matter. Accordingly, Applicant has amended claims 13 and 14 to incorporate the subject matter of their respective base claim to place them in a condition of allowance.

U.S.S.N. 10/817,084

-13-

HN 1010 PUS

Conclusion

Having overcome all of the objections and rejections set forth in the Office Action, Applicant submits that claims 2-5, 11-20, 22 and 23 are in a condition for allowance. A Notice of Allowance indicating the same is therefore earnestly solicited. The Examiner is invited to telephone the Applicant's undersigned attorney at (248) 223-9500 if any unresolved matters remain. A Petition for Extension of Time (one month) accompanies this paper.

Respectfully submitted,

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